

OFFICE OF COURT ADMINISTRATION TEXAS JUDICIAL COUNCIL



OFFICIAL MUNICIPAL COURT MONTHLY REPORT INSTRUCTIONS

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IMPORTANCE OF REPORTING

The monthly report is not designed to report everything that a court does nor everything that requires the attention or time of the judge. It is also not designed to reflect all of the clerk's responsibilities or to provide the basis for a complete case management system. Instead, the monthly report is designed to provide information required by law or needed by the judicial, legislative, and executive branches of government to make decisions regarding the jurisdiction, structure, and needs of the court system.

LEGAL REQUIREMENTS

Section 71.035(b) of the Texas Government Code requires each judge, clerk, or other court official to report information pertaining to the civil and criminal business transacted by the municipal court(s) as required by the Texas Judicial Council.

Sections 171.1 and 171.2 of the Texas Administrative Code require submission of court activity reports each month to the Texas Judicial Council by **no later than 20 days after the end of the month for which statistics are reported.**

Electronic Reporting

Effective September 1, 2011, all municipal courts are required to submit the report online unless the court has requested and obtained a waiver for good cause. (See Section 171.8 of the Texas Administrative Code.) Waivers are good for one year but may be renewed.

Reports may be entered electronically by one of two methods:

- a) manually entering the reports into the Court Activity Reporting and Directory System (<http://card.txcourts.gov>), OR
- b) uploading an XML file into the system.

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. However, only the new form will be accepted. **Reports for September 2011 and later will not be accepted on the old form.**

Paper Reporting

Courts that have obtained an electronic reporting waiver may continue mailing, faxing, or emailing the report to OCA for data entry. The Official Municipal Court Monthly Report form is to be used to report the activity of the municipal court during each one-month period. **NOTE:** Reports generated from a case management system should be an **exact replica** of the monthly report form—*i.e., all categories should follow the order on the monthly report, no categories should be added or omitted, and no data should appear in areas that are shaded on the form.*

On the front page, please complete the appropriate blanks identifying the **month** and **year** for the data being reported; the name of your court; the names of the presiding judge and court clerk; the court's mailing address, fax number, email address, and website address (if available); and the name of the person that prepared the report, as well as his or her telephone phone number. (If appropriate, please provide a second phone number where that person can be reached during business hours.)

GENERAL INSTRUCTIONS

You must submit a report each month, even if your court had no activity.

To file a “No Activity” report:

- If you are reporting online, log in to the online reporting system and select Add New Monthly Report. Select the month and year for which you are filing a report. For each relevant section of the report (criminal, civil, juvenile/minor, and other), check the “No Activity” box near the top of the page, and fill in the Prepared By line at the bottom of the page.
- If you are reporting on paper, you may indicate that you had no activity by writing a large zero, “X,” or “No Activity” across the statistical part of the form.

Include only that activity that occurred during the month for which you are submitting a report. If you need to make changes to the information for a previous month, you must edit your online report (if you report online) or file an amended report (if you report on paper).

CRIMINAL SECTION

This section is divided into six case categories: violations of state traffic laws, violations of state parking laws, violations of city ordinances involving traffic or parking, Penal Code violations, violations of other state laws, and other city ordinance violations.

For the purpose of these reports, the number of criminal cases reported on this monthly reporting form is based on the number of defendants named in a complaint.

1. If the same defendant is charged in more than one complaint, it is counted as more than one case. For instance, if the same person is named in four separate complaints, count this as four cases.
2. When a clerk receives a citation with multiple offenses listed on it, each offense is a separate charge and must be alleged on separate complaints. Thus, each complaint is counted as a separate case.

TRAFFIC MISDEMEANORS

Cases relating to motor vehicle operation or ownership for which the maximum punishment does not involve confinement in jail or prison (i.e., class C misdemeanors).

Non-Parking. Cases involving violations of the provisions of Title 7, Transportation Code and related statutes that do not involve parking (e.g., speeding, passing a school bus, driving without a valid inspection sticker, driving with an expired or no driver's license). **NOTE:** Do not include *Violations of Promise to Appear* here.

Parking. Cases involving violations of Sections 545.301 through 545.304, Chapter 681 or Chapter 683, Transportation Code and related statutes concerning the improper stopping, standing, or parking of a vehicle (e.g., parking in an intersection, parking within 15 feet of a fire hydrant, parking where an official sign prohibits parking). **NOTE:** Report civil violations of parking or stopping ordinances in the Civil Section of the report.

City Ordinance. Cases involving violations of traffic or parking-related ordinances enacted by municipalities.

NON-TRAFFIC MISDEMEANORS

Cases not involving traffic or parking violations for which the maximum punishment does not involve confinement in jail or prison.

Penal Code. Cases involving laws enacted by the Texas Legislature that are set out in the Penal Code (e.g., disorderly conduct, public intoxication, theft of property valued at less than \$50). **NOTE:** Include *Failure to Appear* cases here.

Other State Law. Cases involving laws enacted by the Texas Legislature that are set out in statutes other than the Penal Code (e.g., Alcoholic Beverage Code, Education Code, Health and Safety Code, **Occupations Code**, etc.). **NOTE:** Include *Violation of Promise to Appear* cases here.

City Ordinance. Cases involving ordinances enacted by municipalities (e.g., building codes, zoning laws, dog ordinances). Ordinance violations involving litter, fire safety, zoning, public health, and sanitation are punishable by fines only, up to a maximum of \$2,000. Punishment for violation of other types of city ordinances is limited to fines only, not to exceed \$500.

NOTES:

Report only those cases over which the court exercises jurisdiction.

- Include all juvenile/minor cases and parent contributing to nonattendance cases, which are also reported in the Juvenile/Minor Activity Section.
- Matters handled by the judge as a magistrate (e.g., emergency protective orders, administration of warnings to adults or juveniles, search warrants, arrest warrants, property hearings) must not be included in this section, unless the court has jurisdiction over the case and the case is filed in the court.

Line 1. CASES PENDING FIRST OF MONTH *(Sum of Lines 1a and 1b.)*

Report all misdemeanor cases previously filed in which a **judgment had not been entered** at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 11a and 11b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 parking cases were pending at the end of April but 830 were pending as of May 1, "5" ($825 + 5 = 830$) should be entered in the docket adjustment line under Parking in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 Penal Code cases were pending at the end of April but 890 were pending as of May 1, "-10" ($900 - 10 = 890$) should be entered in the docket adjustment line under Penal Code in the report for May.

Note: OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

Line 1a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were active at the beginning of the month.

"Active cases" are cases awaiting entry of a judgment **that the court can move to adjudication (entry of a judgment).**

Line 1b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the beginning of the month that had been classified as inactive **(cases in which further court proceedings/activities could not continue).**

(See Line 11—Placed on Inactive Status for definition of an inactive case.)

Line 2. NEW CASES FILED DURING MONTH

Report the number of **new, original misdemeanor cases filed** for each case category. Include all new cases filed this month, even if a judgment was entered in the case this month.

Line 3. CASES REACTIVATED

Report the number of cases **in which a judgment had not been entered** that had previously been placed in an inactive pending status, but for which further court proceedings and activities can now be resumed so that a judgment may be entered in the case.

This category includes:

- Cases in which the defendant was apprehended
 - and posted bond to appear at court or
 - was arraigned and magistrates;
- Cases that had been reported to the OmniBase (Texas Department of Public Safety) program, to the Scofflaw program (Texas Department of Transportation Vehicle Titles and Registration Division), to the Nonresident Violator Compact Program, or to a collections agency for failure to appear:
 - That were reactivated because the defendant appeared and the case was set for an appearance or trial,
 - That were reactivated because the defendant submitted a guilty or nolo plea to the court, whether or not the fine was paid;
 - That were reactivated because the defendant submitted a payment or other amount without a plea being entered (see definition in Line 6—Uncontested Dispositions);
 - That were reactivated because the case was dismissed; and
- Cases in which the proceedings were suspended due to a question of mental illness or mental retardation:
 - That were reactivated after an examination for competency to stand trial;
 - That were reactivated after the court or a jury decided that the defendant was not committable for temporary or extended mental health services and the defendant was found competent to stand trial; or
 - That were reactivated after the defendant's completion of temporary or extended inpatient mental health treatment.

NOTES:

- *Reactivated cases are reported under the same offense reported when the original case was filed.*
- *Reactivated cases are reported even if a judgment was also entered in the case during the month.*
- *An inactive case **MUST** be reactivated before it can be counted as disposed.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- a motion for new trial is granted in a case that had previously been reported as disposed of;
- a case is remanded for further proceedings; and
- other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

The sum of active cases pending at the beginning of the month; new cases filed; cases reactivated; and all other cases added equals **Total Cases on Docket**.

$$\text{Lines 1a} + 2 + 3 + 4 = 5$$

DISPOSITIONS:

For purposes of this report, a disposition is reported when the case is adjudicated (the judge signs the final judgment or a sentence is otherwise imposed). The date of disposition is the date the judgment was signed.

Report only 1 disposition (final judgment) per case.

Line 6. DISPOSITIONS PRIOR TO COURT APPEARANCE OR TRIAL

A. Uncontested Dispositions

Report the number of cases in which a **guilty or nolo contendere plea was entered without a plea being entered in open court. The case is reported when judgment is entered, whether or not the fine and other obligations of the case have been met.**

Include:

- Cases in which the defendant submitted a guilty or nolo contendere plea without appearing before a judge in open court; and
- Payment of a fine or other amount accepted by the court without a plea being entered. Per Code of Criminal Procedure, Sec. 27.14(c):

In a misdemeanor case for which the maximum possible punishment is by fine only, payment of a fine or an amount accepted by the court constitutes a finding of guilty in open court as though a plea of nolo contendere had been entered by the defendant and constitutes a waiver of a jury trial in writing.

Include payments submitted by mail, by electronic means, or in person. This includes both cases in which partial payment or payment in full is made.

B. Cases Dismissed by Prosecution

Report the number of cases that were dismissed pursuant to a motion by a prosecutor before a defendant's court appearance or trial. Cases dismissed at a defendant's court appearance or trial should be reported on Line 7C.

NOTE: Do not include dismissals after completion of a driving safety course, after deferred disposition, or any other compliance dismissal. Report these in Line 8.

Line 7. DISPOSITIONS AT COURT APPEARANCE OR TRIAL

A. CONVICTIONS

1) Guilty Plea or Nolo Contendere

Include:

- the number of cases in which the defendant pleaded guilty or *nolo contendere* in open

court;

- cases in which the defendant pleaded guilty or *nolo contendere* after the start of a trial;
- cases in which the defendant pleaded guilty or *nolo contendere* while in jail;
- cases in which the judge forfeited a cash bond for the fine and court costs if the defendant entered a written and signed plea of *nolo contendere* and waiver of jury trial and failed to appear according to the terms of release (**Article 45.044, Code of Criminal Procedure**).

2) By the Court

Report the number of cases in which the defendant pleaded not guilty and was tried and **found guilty by the judge**.

3) By the Jury

Report the number of cases in which the defendant pleaded not guilty and was tried and **found guilty by a jury**.

B. ACQUITTALS

1) By the Court

Report the number of cases in which the defendant was tried and found not guilty by the judge.

2) By the Jury

Report the number of cases in which the defendant was tried and found not guilty by the jury.

C. CASES DISMISSED BY PROSECUTION

Report the number of cases that were dismissed pursuant to a motion by a prosecutor at a defendant's court appearance or trial.

Line 8. COMPLIANCE DISMISSALS

Report the number of cases dismissed during the month due to completion of a court-ordered program and/or satisfaction of other requirements. Report all other dismissals on Line 6B or Line 7C.

NOTES:

- *Do not report a case as dismissed until all requirements for dismissal have been met and the charge is dismissed.*
- *A case must be reported in only one category below.*

A. After Driving Safety Course

Report the number of cases that were dismissed because the defendant completed a driving safety course or motorcycle operator training and safety course as provided by Code of Criminal Procedure, Art. 45.0511.

B. After Deferred Disposition

Report the number of cases that were dismissed during the month covered by this report because the defendant successfully completed a deferred sentence as provided by Code of Criminal Procedure, Art. 45.051.

C. After Teen Court

Report the number of cases that were dismissed during the month because the defendant successfully completed a teen court program as provided by Code of Criminal Procedure, Art. 45.052.

D. After Tobacco Awareness Course

Report the number of cases that were dismissed during the month because the defendant successfully completed a tobacco awareness course as provided by Health and Safety Code, Sec. 161.253.

E. After Treatment for Chemical Dependency

Report the number of cases that were dismissed during the month because the defendant successfully completed a court-ordered treatment program for chemical dependency (abuse of alcohol or a controlled substance), as provided by Code of Criminal Procedure, Art. 45.053, and Health and Safety Code, Ch. 462.

***Note:** The dismissal authorized by Code of Criminal Procedure, Art. 45.053, does not include an expense fee that may be collected at the end of a deferral. If the expense fee is being charged, report the case as a dismissal **After Deferred Disposition**.*

F. After Proof of Financial Responsibility

Report the number of cases that were dismissed during the month because the defendant produced evidence of financial responsibility as provided by Transportation Code, Sec. 601.193.

G. All Other Transportation Code Compliance Dismissals

Report the number of cases that were dismissed during the month because the defendant successfully produced evidence of compliance with requirements other than those listed in the previous compliance dismissal categories. Applicable offenses include:

- Failing to display license plate on front and rear of vehicle (T.C., Sec. 502.404(a));
- Failing to display registration insignia on vehicle (T.C., Sec. 502.404(b));
- Driving with an expired motor vehicle registration (T.C., Sec. 502.407(b));
- Attaching or displaying a number plate or registration insignia for another registration period (T.C., Sec. 502.409(a)(3));
- Number plate or registration insignia has letters, numbers, or other identification marks that are not visible at all times in daylight (T.C., Sec. 502.409(a)(5));
- Number plate or registration insignia has an attached illuminated device, sticker, decal, emblem, or other insignia not authorized by law that interferes with the readability of the plate (T.C., Sec. 502.409(a)(6));
- Number plate or registration insignia has a coating, covering, or protective material that distorts or alters or obscures the numbers, color or original design features of the plate (T.C., Sec. 502.409(a)(7));
- Driver's license to be carried and exhibited on demand (T.C., Sec. 521.025);
- Driving with expired driver's license (T.C., Sec. 521.026);
- Fails to give notice of change of address or name (T.C., Sec. 521.054);
- Violates special restrictions or endorsements imposed on driver's license (T.C., Sec. 521.221);
- Operates vehicle that is not properly equipped (T.C., Sec. 547.004); and
- Driving with an expired inspection certificate (T.C., Sec. 548.605(b)).

Line 9. ALL OTHER DISPOSITIONS

Report any judgments not clearly identifiable as any of the above categories.

Line 10. TOTAL CASES DISPOSED

Report the total number of cases **in which a judgment was entered** during the month. *Total Cases Disposed* equals the sum of Lines 6, 7, 8 and 9.

Line 11. PLACED ON INACTIVE STATUS

Report the number of cases **in which a judgment had not been entered** that were placed in an inactive pending status because further court proceedings and activities could not continue.

This category includes:

- Cases in which a directive to apprehend or warrant of arrest has been issued;
- Cases reported to the OmniBase (Texas Department of Public Safety) program, to the Scofflaw program (Texas Department of Transportation Vehicle Titles and Registration Division), or to a collections agency for failure to appear;
- Cases in which a defendant is being held elsewhere on state or federal charges;
- Cases stayed due to a question of mental illness or mental retardation;
- Cases stayed while a defendant undergoes temporary or extended inpatient mental health treatment; and
- Cases in which the defendant is otherwise unavailable for adjudication.

Line 12. CASES PENDING END OF MONTH (*Sum of Lines 12a and 12b.*)

Report the total number of cases previously filed in which a **judgment had not been entered** at the end of the month.

Line 12a. Active Cases

Report the number of cases that were classified as active and awaiting entry of a judgment at the end of the month.

Line 5 minus the sum of Lines 10 & 11 = Line 12a

Line 12b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the end of the month that had been classified as inactive (cases in which further court proceedings/activities could not continue).

Line 1b minus Line 3 plus Line 11 = Line 12b

Line 13. SHOW CAUSE HEARINGS HELD

Report the number of show cause or contempt hearings held pursuant to Art. 45.050 (*juveniles*), 45.051(c-1) (*deferred disposition*), or 45.0511(i) (*driver's safety*), Code of Criminal Procedure, for failure to comply with the requirements for deferred disposition or driver's safety dismissal.

Include cases in which the defendant failed to appear and the judge imposed the fine. Under this situation, the case is also to be reported as disposed in Line 7.A.1—Convictions—Guilty Plea or Nolo Contendere.

If the case was set for a show cause hearing, but the case was disposed of before the show cause

hearing (i.e., the defendant appeared at the clerk window with or mailed in the compliance documentation, paid the case in full, or set up a payment plan), the case is not to be reported in the Show Cause Hearings Held line (Line 13—Show Cause Hearings Held). Report the case in the appropriate disposition category.

Line 14. CASES APPEALED

Report the number of criminal cases for which an appeal from the final judgment of the court was filed.

A. After Trial

Report the number of cases appealed following a trial before the court or jury.

B. Without Trial

Report the number of cases appealed following a plea of guilty or no contest.

CIVIL/ADMINISTRATIVE SECTION

A civil case, unlike a criminal case, does not depend on the number of persons involved. For the purpose of these reports, a single civil case is counted and reported when:

1. A civil complaint or citation is filed (no matter how many parties are involved), or
2. An original petition is filed (no matter how many parties are involved).

CIVIL CASES

Cases involving all complaints, citations or suits within the civil or administrative jurisdiction of the municipal court, including red light camera, vehicle parking and stopping (*Transportation Code, Ch. 682*), dangerous dog, substandard building, and abandoned motor vehicle cases, as well as any other cases involving the enforcement of health and safety and nuisance abatement ordinances. Also include bond forfeiture (*nisi*) proceedings conducted pursuant to Code of Criminal Procedure, Article 22.02.

Line 1. CASES PENDING FIRST OF MONTH (*Sum of Lines 1a and 1b.*)

Report all civil or administrative cases previously filed in which a **judgment had not been entered** at the beginning of the month.

These figures should be the same as those reported for **Cases Pending End of Month** (Lines 14a and 14b) on the prior month's report. **If the number of cases pending at the first of the month does not equal the number of cases pending at the end of the previous month, a docket adjustment must be entered.** A *docket adjustment* is the difference between the number of cases pending at the end of the previous month and the number of cases pending at the beginning of the current month.

Example:

If the number of cases pending at the end of the month is **smaller** than the number pending at the beginning of the current month, enter a **positive** number in the appropriate blank. For example, if 825 civil cases were pending at the end of April but 830 were pending as of May 1, "5" ($825 + 5 = 830$) should be entered in the docket adjustment line under Civil Cases in the report for May.

If the number of cases pending at the end of the month is **larger** than the number pending at the beginning of the current month, enter a **negative** number in the appropriate blank. For example, if 900 civil cases were pending at the end of April but 890 were pending as of May 1, "-10" ($900 - 10 = 890$) should be entered in the docket adjustment line under Civil Cases in the report for May.

Note: OCA staff will calculate and enter the docket adjustment(s) for reports submitted on paper.

Line 1a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were active at the beginning of the month.

"Active cases" are cases awaiting entry of a judgment **that the court can move to adjudication (entry of a judgment)**.

Line 1b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the beginning of the month that had been classified as inactive **(cases in which further court proceedings/activities could not continue)**.

(See Line 14—Placed on Inactive Status for definition of an inactive case.)

Line 2. NEW CASES FILED DURING THE MONTH

Report the total number of new cases filed during the month. Include all new cases filed this month, even if a judgment was entered in the case this month.

Line 3. CASES REACTIVATED

Report the number of cases that **had previously been placed in an inactive pending status**, but for which further court proceedings and activities can now be resumed so that a judgment may be entered in the case.

Examples include:

- Reinstated cases;
- Cases returned from arbitration;
- Cases in which a bankruptcy stay has been lifted; and
- Cases removed from abatement for any other reason.

NOTE: *Reactivated cases are reported even if a judgment was also entered in the case during the month.*

Line 4. ALL OTHER CASES ADDED

Report the number of cases added to the docket in a manner other than the filing of a new, original case. Include cases in which:

- (1) a motion for new trial is granted in a case that had previously been reported as disposed of and
- (2) other similar matters which are not reported elsewhere.

Line 5. TOTAL CASES ON DOCKET

To calculate the **Total Cases on Docket**, add the active cases pending at the beginning of the month, new cases filed, other cases reaching docket, and reactivated cases.

$$\text{Lines 1a} + 2 + 3 + 4 = \text{Line 5}$$

DISPOSITIONS:

For purposes of this report, a disposition is reported when the case is adjudicated (the judge or hearing officer signs the final judgment). The date of disposition is the date the judgment was signed.

Report only 1 disposition (final judgment) per case.

Line 6. UNCONTESTED CIVIL FINES OR PENALTIES

Report the number of cases in which the defendant **paid a civil fine or penalty without appearing for open court or an administrative hearing** (e.g., paying citation for civil parking offense). Include payments submitted by mail, by electronic means, or in person.

Line 7. DEFAULT JUDGMENTS

Report the number of cases in which the judgment was reached by default—the defendant, though served, failed to appear and answer, and judgment by default was granted in favor of the plaintiff.

Line 8. AGREED JUDGMENTS

Report the number of cases in which the court entered a judgment based upon the mutual agreement of the parties involved in the suit.

Line 9. TRIAL OR HEARING BY JUDGE OR HEARING OFFICER

Report the number of cases in which the decision was reached after a trial or hearing by the judge or a hearing officer, without a jury.

Line 10. TRIAL BY JURY

Report the number of cases in which a judgment was entered after trial based on the verdict of a jury.

Line 11. CASES DISMISSED FOR WANT OF PROSECUTION

Report the number of cases dismissed because the plaintiff or petitioner did not appear or otherwise made no effort to pursue his case.

Line 12. ALL OTHER DISPOSITIONS

Report any dispositions not clearly identifiable as any of the above categories.

Line 13. TOTAL CASES DISPOSED

Report the total number of cases disposed during the month. *Total Cases Disposed* equals the sum of Lines 6, 7, 8, 9, 10, 11 and 12.

Line 14. PLACED ON INACTIVE STATUS

Report the number of cases **in which a judgment had not been entered** that were placed in an inactive pending status because further court proceedings and activities **could not continue**.

This category includes, but is not limited to:

- Cases ordered to arbitration;
- Cases in which a notice or suggestion of bankruptcy is filed;
- Cases delayed due to the Soldiers' & Sailors' Civil Relief Act;
- Cases in which a suggestion of death is filed; and
- All other cases ordered abated by a judge.

Line 15. CASES PENDING END OF MONTH (*Sum of Lines 15a and 15b.*)

Line 15a. Active Cases

Report the number of cases in which a **judgment had not been entered** that were classified as active and awaiting entry of a judgment at the end of the month.

Line 5 minus the sum of Lines 13 & 14 = Line 15a

Line 15b. Inactive Cases

Report the number of cases in which a **judgment had not been entered** at the end of

the month that had been classified as inactive (cases in which further court proceedings/activities could not continue).

Line 1b minus Line 3 plus Line 14 = Line 15b

Line 16. CASES APPEALED

Report the number of cases for which an appeal from the final judgment of the court was filed.

A. After Trial

B. Without Trial

JUVENILE/MINOR ACTIVITY

NOTE: Activity reported in Lines 1 through 16 below should also be reported, where appropriate, in the Criminal Section.

Line 1. TRANSPORTATION CODE CASES FILED

Report the number of cases filed in which the minor (under 17 years of age) was charged with an offense listed under Transportation Code, Section 729.001.

Line 2. NON-DRIVING ALCOHOLIC BEVERAGE CODE CASES FILED

Report the number of cases filed in which a minor (under 21 years of age) was charged with an offense under the Alcoholic Beverage Code that **did not** involve driving (e.g., Sec. 106.02, Purchase of Alcohol by a Minor; Sec. 106.025, Attempt to Purchase Alcohol by a Minor; Sec. 106.04, Consumption of Alcohol by a Minor; Sec. 106.05, Possession of Alcohol by a Minor; and Sec. 106.07, Misrepresentation of Age by a Minor).

Line 3. DRIVING UNDER THE INFLUENCE OF ALCOHOL CASES FILED

Report the number of cases filed in which a minor (under 21 years of age) was charged with an offense under Alcoholic Beverage Code, Sec. 106.041, Driving Under the Influence of Alcohol by a Minor.

Line 4. DRUG PARAPHERNALIA CASES FILED

Report the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Health and Safety Code, Sec. 481.125(a), Possession of Drug Paraphernalia.

Line 5. TOBACCO CASES FILED

Report the number of cases filed in which a minor (under 18 years of age) was charged with an offense under Health and Safety Code, Sec. 161.252, Possession, Purchase, Consumption or Receipt of Cigarettes or Tobacco Products by Minors Prohibited. This includes the offense of displaying false proof of age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

Line 6. FAILURE TO ATTEND SCHOOL CASES FILED

Report the number of cases filed for failure to attend school offenses under Education Code, Sec. 25.094. Include complaints originally filed as truancy petitions but refiled pursuant to Family Code, Sec. 54.021(C).

Line 7. EDUCATION CODE CASES FILED (EXCEPT FAILURE TO ATTEND)

Report the number of cases filed in which the child was charged with an offense provided in the Education Code **other** than Sec. 25.094, Failure to Attend. Examples of other offenses under the Education Code are Sec. 37.102, Rules (Enacted by School Board); Sec. 37.107, Trespass on School Grounds; Sec. 37.122, Possession of Intoxicants on Public School Grounds; Sec. 37.124, Disruption of Classes; and Sec. 37.126, Disruption of Transportation.

Line 8. VIOLATION OF LOCAL DAYTIME CURFEW ORDINANCE CASES FILED

Report the number of cases in which a person under 17 years of age was charged with violation of a local daytime curfew ordinance adopted under Local Government Code, Sec. 341.905 or Sec. 351.903.

***Note:** Only cases involving violation of a “daytime” curfew should be reported; cases involving violations of a nighttime curfew should not be reported here.*

Line 9. ALL OTHER NON-TRAFFIC, FINE-ONLY CASES FILED

Report the number of cases in which a person under 17 years of age was charged with a non-traffic offense punishable only by a fine that does not fall within any of the other categories above (Lines 1 through 8).

Line 10. TRANSFER TO JUVENILE COURT

a. Mandatory Transfer

Report the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to) Family Code, Sec. 51.08(b)(1), because the child had previously been convicted of: A) two or more misdemeanors punishable by fine only other than a traffic offense; B) two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or C) one or more of each of the types of misdemeanors described in A) or B).

Note:** A court that has implemented a juvenile case manager program under Code of Criminal Procedure, Art. 45.056, may, *but is not required to*, waive its original jurisdiction. Courts in this situation should report all transfers to juvenile court in the ***Discretionary Transfer category.*

b. Discretionary Transfer

Report the number of cases in which the court waived its original jurisdiction and referred a person under 17 years of age to juvenile court pursuant to Family Code, Sec. 51.08(b)(2).

Line 11. ACCUSED OF CONTEMPT AND REFERRED TO JUVENILE COURT (DELINQUENT CONDUCT)

Report the number of incidents in which the court refers a person under 17 years of age to juvenile court for delinquent conduct because the child failed to obey an order of the court under circumstances that would constitute contempt of court. See Code of Criminal Procedure, Art. 45.050(c)(1), and Family Code, Sec. 51.03(a)(2).

Line 12. HELD IN CONTEMPT BY CRIMINAL COURT (FINED AND/OR DENIED DRIVING PRIVILEGES)

Report the number of incidents in which the court holds a child in contempt, fines a child, or denies the child driving privileges because the child failed to obey an order of the court under circumstances that would constitute *contempt of court*. See Code of Criminal Procedure, Art. 45.050(c)(2).

Do not include license suspensions required by Alcoholic Beverage Code, Sec. 106.115(d), for failure to complete an alcohol awareness program or perform the required hours of community service. (*Note:* These suspensions are reported to the Department of Public Safety on form DIC-15.)

Line 13. JUVENILE STATEMENT MAGISTRATE WARNINGS

a. Warnings Administered

Report the number of times the judge, as magistrate, gave juveniles charged with Juvenile Justice Code (Title 3, Family Code) violations official explanations of their right to counsel, right to remain silent, etc. If at the same time the judge also took the juvenile's statement or confession, report this event under *Statements Certified*.

b. Statements Certified

Report the number of juvenile statements certified by the judge as required by Family Code, Sec. 51.095(a)(1)(D).

Line 14. DETENTION HEARINGS HELD

Report the number of juvenile detention hearings conducted by the judge during the month while acting as a substitute juvenile judge in a magistrate capacity in accordance with Family Code, Section 54.01.

Line 15. ORDERS FOR NONSECURE CUSTODY ISSUED

Report the number of orders for nonsecure custody issued during the month for juveniles in accordance with Code of Criminal Procedure, Art. 45.058.

Line 16. PARENT CONTRIBUTING TO NONATTENDANCE CASES FILED

Report the number of cases in which the parent of a child was charged with contributing to nonattendance of school under Education Code, Sec. 25.093.

ADDITIONAL COURT ACTIVITY

The lower portion of the monthly report form is designed to collect information: 1) reflecting the activity of municipal judges acting in the capacity of a magistrate; or 2) identified by the Texas Judicial Council as additional information that is important to collect from municipal courts.

Line 1. MAGISTRATE WARNINGS

NUMBER GIVEN

Report the number of times during the month that the judge, as a magistrate, gave adult defendants charged with an offense an official explanation of their right to counsel, right to remain silent, etc., as provided by Code of Criminal Procedure, Art. 15.17, for the following offenses:

A. Class C Misdemeanors

B. Class A and B Misdemeanors

C. Felonies

If the defendant was charged with more than one offense in a single incident, count only 1 magistration. If the multiple offenses involved more than 1 level of case category listed above, report the 1 magistration under the category of the most serious offense alleged.

If the defendant was magistrated for charges involving multiple, separate incidents, count a magistration for each separate incident. If an incident involved multiple charges, report only 1 magistration for that incident. If the multiple offenses involved more than 1 level of case category listed above, report the 1 magistration under the category of the most serious offense alleged.

NUMBER OF REQUESTS FOR COUNSEL

Report the number of requests for appointment of counsel that were made by defendants during the magistrate warnings reported above.

A. Class A and B Misdemeanors

B. Felonies

If the defendant was charged with more than one offense in a single incident, count only 1 request for counsel. If the multiple offenses involved more than 1 level of case category listed above, report the 1 request for counsel under the category of the most serious offense alleged.

If the defendant was magistrated for charges involving multiple, separate incidents, count a request for counsel for each separate incident. If an incident involved multiple charges, report only 1 request for counsel for that incident. If the multiple offenses involved more than 1 level of case category listed above, report the 1 request for counsel under the category of the most serious offense alleged.

NOTE: Code of Criminal Procedure, Art. 15.17(e), requires: In each case in which a person arrested is taken before a magistrate as required by Subsection (a), **a record shall be made of:**

- (1) *the magistrate informing the person of the person's right to request appointment of counsel;*
- (2) *the magistrate asking the person whether the person wants to request appointment of counsel; and*
- (3) *whether the person requested appointment of counsel.*

Line 2. ARREST WARRANTS ISSUED

A. Class C Misdemeanors

Report the number of arrest warrants issued by the court during the month in Class C misdemeanor cases.

B. Class A and B Misdemeanors

Report the number of arrest warrants issued by the court during the month in Class A or B misdemeanor cases.

C. Felonies

Report the number of arrest warrants issued by the court during the month in felony cases.

Line 3. CAPIASES PRO FINE ISSUED

Report the number of capiases pro fine issued during the month, pursuant to Code of Criminal Procedure, Art. 45.045, for a defendant's failure to pay fines and costs after judgment and sentence.

Line 4. SEARCH WARRANTS ISSUED

Report the number of search warrants the judge, as a **magistrate**, issued during the month that allowed law enforcement officers to search a particular premises or person.

Line 5. WARRANTS FOR FIRE, HEALTH AND CODE INSPECTIONS ISSUED

Report the number of search warrants issued, pursuant to Code of Criminal Procedure, Art. 18.05, to a fire marshal, health officer, or code enforcement official of the state or of any county, city, or other political subdivision for the purpose of allowing the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

Line 6. EXAMINING TRIALS CONDUCTED

Report the number of preliminary hearings on felony cases conducted by the judge during the month to determine whether, upon the basis of the evidence produced at such a hearing, the defendant should be bound over to the grand jury or should be discharged from custody (Code of Criminal Procedure, Art. 16.01).

Line 7. EMERGENCY MENTAL HEALTH HEARINGS HELD

Report the number of hearings for emergency mental health commitments the judge held during the month as provided by Health and Safety Code, Sec. 573.012.

Line 8. MAGISTRATE'S ORDERS FOR EMERGENCY PROTECTION

Report the number of emergency protection orders issued by the judge, as a magistrate, under Code of Criminal Procedure, Art. 17.292.

Line 9. MAGISTRATE'S ORDERS FOR IGNITION INTERLOCK DEVICE

Report the number of orders issued by the judge, as a magistrate, under Code of Criminal Procedure, Art. 17.441, requiring a defendant to have an ignition interlock device installed in his or her vehicle and not operate any motor vehicle unless it is equipped with that device.

Line 10. ALL OTHER MAGISTRATE'S ORDERS ISSUED REQUIRING CONDITIONS FOR RELEASE ON BOND

Report the number of other orders issued by the judge, as a magistrate, requiring conditions for release on bond under Code of Criminal Procedure, Article 17, except for the Magistrate's Orders for Ignition Interlock Device reported in Line 8. Include:

- Conditions related to victim or community safety (Art. 17.40);
- Conditions where a child is the alleged victim (Art. 17.41);
- Home curfew and electronic monitoring (Art. 17.43);
- Home confinement, electronic monitoring, and drug testing (Art. 17.44);
- AIDS and HIV instruction (Art. 17.45);

- Conditions for a defendant charged with stalking (Art. 17.46);
- Conditions requiring submission of a specimen (Art. 17.47); and
- Conditions for defendant charged with offense involving family violence (Art. 17.49).

Line 11. DRIVER’S LICENSE DENIAL, SUSPENSION OR REVOCATION HEARINGS HELD

Report the number of hearings held by the judge during the month pursuant to Transportation Code, Sec. 521.300, to determine whether or not there is enough evidence to justify suspension or revocation of a person’s driver’s license by the Department of Public Safety for *habitual violations or inability to safely operate a motor vehicle*.

NOTE: This does not apply to license suspensions for Alcoholic Beverage Code, tobacco, failure to attend school, or similar offenses involving juveniles/minors.

Line 12. DISPOSITION OF STOLEN PROPERTY HEARINGS HELD

Report the number of hearings held by the judge during the month pursuant to Code of Criminal Procedure, Ch. 47, to determine the right to possession of stolen property.

Line 13. PEACE BOND HEARINGS HELD

Report the number of hearings held by the judge during the month to determine whether or not a peace bond should be issued per Code of Criminal Procedure, Art. 7.03, regardless of when the complaint was filed, **or** when (or whether) a warrant was issued, **or** an order requiring the peace bond (if any) was entered.

Since the judge handles peace bonds as a magistrate, rather than as the judge of the justice court, peace bonds should not be counted in another section of the report.

Line 14. CASES IN WHICH FINE AND COURT COSTS ARE SATISFIED BY COMMUNITY SERVICE

Report the number of cases in which community service **or a tutoring program** was completed to **discharge a fine and/or court costs** as provided by Code of Criminal Procedure, Art. 45.049 **or 45.0492.¹** **Report these cases when the fine and court costs have been satisfied in full.**

NOTE: “Court costs” includes fees (e.g., judicial support fee, jury reimbursement fee, etc).

Do not include cases in which community service was mandatory for the offense and was ordered as part of the sentence (e.g., alcohol and tobacco related offenses).

A. Partial Satisfaction

Report the number of cases in which the community service **partially** satisfied the fine or court costs.

B. Full Satisfaction

Report the number of cases in which the community service **fully** satisfied the fine or court costs.

¹ Article 45.0492 added by HB 350, 82nd Legislature (2011).

Line 15. CASES IN WHICH FINE AND COURT COSTS SATISFIED BY JAIL CREDIT

Report the number of cases in which jail credit was applied to **partially or fully** discharge a fine or court costs. **Report these cases when the fine and court costs have been satisfied in full.**

NOTE: “Court costs” includes fees (e.g., judicial support fee, jury reimbursement fee, etc).

Line 16. CASES IN WHICH FINE AND COURT COSTS WAIVED FOR INDIGENCY

Report the number of cases in which a fine or court costs were partially or fully waived for indigency during the month.

Line 17. AMOUNT OF FINES AND COURT COSTS WAIVED FOR INDIGENCY

Report the total amount of fines and court costs waived during the month for indigency.

Line 18. TOTAL FINES, COURT COSTS AND OTHER AMOUNTS COLLECTED

Report the amount of court-related money **collected** by the court during the month. Include fines, fees, court costs; Omnibase fees²; forfeited bonds; fees for copies, etc.

Do not include amounts retained by a private collections agency for service fees³; amounts assessed; jail credit; community service **or tutoring program credit; or amounts collected that are not related to court operations (e.g., overdue library book fees; parking permits, licenses or other parking revenue not related to parking violations).**

A. Retained by City

Report the amount of money collected during the month that was deposited into city funds. Include the city’s portion of any fee that is divided by statute between the city and the State. Do not include amounts may be eventually retained by the city or remitted to the State but rebated back to the city as a service fee if the city is compliant in reporting to the Comptroller and is in compliance with any required Collections Improvement Program (if relevant).

Examples:

- Court costs adopted by city ordinance:
 - *a fee not to exceed \$25 for executing certain warrants (Article 45.203, C.C.P.);*
 - *building security fee;*
 - *technology fee;*
 - *a juvenile case manager fee; and*
 - *service fees for collection of fines, costs, and bonds by credit card or electronically*
- Special expense fee for granting deferred disposition or driving safety course, or a \$10 administrative fee for granting a drivers safety course
- Dismissal fees
- City’s portion of State Judicial Support Fee (10 percent of fee)
- Court costs and fees collected for the Child Safety Fund
- Traffic fund court cost (Section 542.403, T.C)

² Authorized by Transportation Code, Ch. 706. The OmniBase program is not considered a collections contract. It is a contract with the Department of Public Safety to provide information necessary for the department to deny renewal of drivers’ licenses.

³ Fees authorized by Code of Criminal Procedure, Art. 103.0031.

- Arrest fee (Art. 102.011(a), C.C.P.)
- Warrant fee
- Teen Court fees
- Witness, defendant, parents of a juvenile, or jury summons fees
- Jury fee
- Expunction fee
- City's portion of restitution fee
- City's portion of time payment fee
- City's portion of over gross weight violation court costs and fines
- City's portion of excess motor carrier fines
- City's portion of administrative fee for OmniBase program
- Travel costs to convey prisoner or to execute process
- Insufficient funds fees (bad/returned checks)
- Fees for copies, etc.

B. Remitted to State

Report the amount of money collected during the month that is designated to be remitted to the State. Include amounts that may be eventually retained by the city or remitted to the State but rebated back to the city as a service fee if the city is compliant in reporting to the Comptroller and is in compliance with any required Collections Improvement Program (if relevant).

Examples:

- Consolidated Court Cost
- State Traffic Fine
- State Juror Reimbursement Fee
- State Judicial Support Fee
- Indigent Defense Representation Fee
- State portion of Arrest Fee, if relevant (Art. 102.011(a), C.C.P.)
- State portion of Warrant Fee, if relevant
- Driving Record Fee
- State's portion of restitution fee
- State's portion of time payment fee
- State's portion of over gross weight violation court costs and fines
- State's portion of excess motor carrier fines
- State's portion of administrative fee for OmniBase program, etc.

C. Total

Report the amount of court-related money **collected** by the court during the month.

Include all amounts reported in A and B above, as well as amounts sent directly to other entities such as school districts, OmniBase, etc.